IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 15175-M of 2006
DATE OF DECISION : 08.12.2006

Jaswant Singh and another

.... PETITIONERS

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. D.S. Pheruman, Advocate, for the petitioner.

Mr. N.S. Gill, AAG, Punjab.

* * *

Petitioners Jaswant singh and his wife Kuldeep Kaur, who are father-in-law and mother-in-law of the deceased, have filed this petition under Section 439 of the Code of Criminal Procedure for the grant of regular bail in case FIR No. 100 dated 18.10.2005 registered at Police Station Morinda, District Ropar, under Sections 304-B/34 IPC.

I have heard counsel for the parties and gone through the contents of the FIR.

The aforesaid FIR was registered on the statement of Kamalpreet Singh, brother of deceased Harmandeep Kaur wife of Jagbir Singh (son of the petitioners). In the FIR, it has been alleged that after the marriage, Jagbir Singh (husband) was demanding motor cycle and he was not accepting the scooter given in dowry. Therefore, a motor cycle was purchased and given to him. It is further alleged by the complainant that after the birth of a child to the deceased, her husband and in-laws started harassing her on account of more dowry and a car was being demanded. It was stated that 18.10.2005, at about 11.45 A.M., the deceased gave a telephone call to the complainant saying that she was fed up from her in-laws family and she was being given beating by husband, father-in-law and mother-in-law by saying that her mother had promised to fulfill the demand

of dowry, but the same was not given. On that account, she had been thrown out of the house. She further stated she is present at Morinda bus stand and is going to end her life. Subsequently, the deceased was taken to Kakkar Hospital, where she died. As per the prosecution, she died due to poisoning.

Counsel for the petitioner contends that in this case, the petitioners, who are father-in-law and mother-in-law of the deceased have been falsely implicated. While referring to the statement of PW.2 Dr. Neeraj Kakkar of Kakkar Hospital, Morinda, in whose hospital, the deceased was taken, counsel contends that in his cross-examination, this witness has categorically stated that the deceased had told him that she had consumed the poison on her own. She was repenting. She had also told that no body should be held responsible for her death. Counsel further contends that as per the allegations in the FIR, the deceased was given beatings by all the accused and thereafter, she was thrown out of the matrimonial home. He submits that these allegations are falsified from the medical evidence available on the record. Neither during the treatment, Dr. Neeraj Kakkar noticed any injury on the body of the deceased nor in the post mortem examination, any injury on her body was found. Counsel submits that the petitioners are in custody since October/November, 2005 and trial is not likely to conclude soon, as 12 more prosecution witnesses are yet to be examined.

Counsel for the respondent-State has not disputed the above factual position. However, he submits that in view of the specific allegations against the petitioners in the FIR, they should not be granted the benefit of regular bail.

In view of the aforesaid facts, without expressing any opinion on the merits of the case, I deem it appropriate to grant regular bail to the petitioners and they are, accordingly, ordered to be released on bail subject to their furnishing bail bonds to the satisfaction of the trial court.

December 08, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**